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Docket No.: 01946/100B861-US2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Andrea LEONE-BAY *et al.*

Application No.: 10/005,511

Confirmation No.: 2401

Filed: November 7, 2001

Art Unit: 1615

For: COMPOUNDS AND COMPOSITIONS FOR
DELIVERING ACTIVE AGENTS

Examiner: J. M. Spear

**PETITION UNDER 37 C.F.R. § 1.78(a)(3) FOR UNINTENTIONALLY DELAYED CLAIM
UNDER 35 U.S.C. § 120 FOR THE BENEFIT OF PRIOR-FILED APPLICATIONS**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants, through the undersigned attorney, hereby petition the Commissioner pursuant to 37 C.F.R. § 1.78(a)(3), to accept an unintentionally delayed claim for benefit of priority in this application.

This application is a continuation of U.S. Application Serial No. 08/820,694, which was filed on March 18, 1997 ('694 Application). While the '694 Application was pending, applicants amended the '694 specification to claim priority to International Application No. PCT/US96/04580 ('580 Application). The '580 Application claims priority from U.S. Serial Nos. 08/414,654 ('654 Application) and 60/003,111 ('111 Application). Applicants hereby petition the Commissioner to accept their claim for the benefit of priority to the '580, '654, and '111 Applications. The entire delay between the date the claim was due under 37 CFR § 1.78(a)(2) and the date of this petition was unintentional.

Assuming this petition is granted, the present application will be a continuation of U.S. Application Serial No. 08/820,694, filed March 18, 1997, now U.S. Patent No. 6,344,213, and claim the benefit of International Application No. PCT/US96/04580, published as WO 96/30036 on October 3, {W:\01946\100b861us2\00405807.DOC }

1996, which claims priority to U.S. Serial No. 08/414,654 filed March 31, 1995, now U.S. Patent No. 5,650,386, and U.S. Serial No. 60/003,111 filed September 1, 1995, now abandoned.

A specific reference to the '580, '654 and '111 applications was not made when the instant application was first filed. Nor was such a reference made within the time period prescribed under 37 C.F.R. § 1.78(a)(2)(ii). Submitted herewith is a supplemental application data sheet with the priority claim as amended by this petition.

Pursuant to the requirements of 37 C.F.R. §§ 1.73(a)(3)(ii) and 1.17(t), it is understood that a surcharge of \$1,370.00 is required for this Petition. A check in the required amount is thus enclosed with herewith. It is therefore believed that this Petition and the accompanying supplemental data sheet satisfy all the requirements of 37 C.F.R. § 1.78(a)(3).

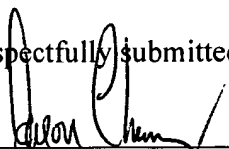
The PTO did not receive the following
listed item(s) check in amount of 1370

Acceptance of the delayed priority claim to International Application No. PCT/US96/04580 and U.S. Serial No. 08/414,654 and U.S. Serial No. 60/003,111 is therefore respectfully requested.

Dated: April 11, 2005

Respectfully submitted,

By


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